

**WOODS CROSS PLANNING COMMISSION MEETING  
JANUARY 12, 2016**

**MEMBERS PRESENT:**

Leo Beecher, Chairman  
Jennifer Bassarear  
Dan Bradford

Brent Page  
Curtis Poole  
Gary Sharp  
Matt Terry

**STAFF PRESENT:**

Tim Stephens, Community Development Director  
Bonnie Craig, Secretary  
James Sheldon, City Council

**VISITORS:**

LeGrande Blackley  
Moises De La Mora Beltran  
Cole Checketts  
Shanna Rima  
Susan Barnes  
Jana Haberman  
Kristin Beard  
Ellie Peters  
Mark Ball  
Jared Peters  
Kara Peterson  
Legdut Xapee  
John Swalberg  
Janas Johnson  
Jay Christensen

Monica Herre  
Lois Schrader  
Julie Checketts  
Tim Sutherland  
Claudia Barnes  
Linda Gilbert  
Bryan Beard  
Brian Holman  
Penelope Ball  
John Harper  
Kathleen Terry  
Lynna Rue Shoper  
Heidi Swalberg  
Kathy Turpin  
Deann Oakey

S. Kathleen Larson  
Don Schrader  
Mark Rima  
Carol Francis  
Gay Michaelis  
Wes Gilbert  
Lisa Peters  
Chantal Ball  
Maddie Peters  
Dennis Peterson  
Emir Ceho  
Michelle Francum  
Stephanie Hawley  
Becky Barnett  
Gray Francis

**PLEDGE OF ALLEGIANCE:**

Dan Bradford

**ELECTION OF CHAIR AND VICE CHAIR**

Mr. Tim Stephens, the Community Development Director then noted for the Commission that since it was a new calendar year it was necessary for the Planning Commission to elect a Chair and Vice Chair for the 2016 calendar year.

Commissioner Page then made a motion to elect Leo Beecher to continue as Chair for the Planning Commission for the upcoming calendar year of 2016. Commissioner Bradford seconded the motion and the motion carried.

Commissioner Poole then made a motion to elect Gary Sharp to continue as Vice Chair for the Planning Commission for the upcoming calendar year of 2016. Commissioner Page seconded the motion and the motion carried.

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**APPROVAL OF MINUTES**

The Planning Commission then reviewed the minutes of the Planning Commission meeting held December 8, 2016. After their review, Commissioner Page made a motion to approve the minutes as written with Commissioner Bassarear seconding the motion and the motion carried.

**OPEN SESSION**

Chairman Beecher then opened the meeting to public comments regarding items that were not on the agenda.

Chairman Beecher noted for the Commission that Mr. LeGrande Blackley was at tonight's meeting to answer any questions the Commission might have regarding his annual report as the Code Enforcement Officer for Woods Cross City.

There were no questions from the Commission regarding his report. The Commission then thanked him for his report and the good work he does for city.

Ms. Julie Checketts, a city resident living at 1222 South 800 West, then came before the Commission. She said she was at tonight's meeting representing many of the residents residing within the city who wanted to express their concerns regarding the Wilson Properties Development that is possibly going to be constructed within the city near the city center.

Ms. Checketts said she had questions regarding the development. She asked what kind of tax benefits the city would receive if a mixed used development with 60 new apartment units were to go in near the city center. Mr. Stephens said there were certain requirements that would need to be met for land use if any development were to be constructed within this area. He went on to say that a developer had approached the city with an idea of putting in a new mixed use development but there had not been any formal plans drawn up as of yet. He noted that the developer had come before the City Council and had just asked what their opinion might be for this type of development going in near the city center. He also said that land owner's can explore what options they might have to build on their own property.

Ms. Checketts then asked if the city had a Master Plan. Mr. Stephens said the city did have a Master Plan and Ms. Checketts asked if it was on the city's website. Mr. Stephens noted it was available on the website and explained to Ms. Checketts how to find the Master Plan document on the city's website.

She then asked the Commission if they were aware of the entities proposing this development and Chairman Beecher said the Commission had not been approached with any formal plans or presentations regarding this development and may not be able to answer all questions she might have regarding the development as they did not have any information at the present time.

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Mr. Stephens said that the developer had come to the City Council to the open session and presented some ideas he was thinking about for a development for the city center area. Mr. Stephens said the City Council encouraged the developer to have an open house regarding his ideas so the residents of the city could go and ask questions. Mr. Stephens noted the open house has been scheduled for January 20, at 6:30 P.M. in the city hall.

Ms. Checketts went on to say that she and her neighbors had some concerns regarding these ideas and would like to present them to the Planning Commission tonight.

Ms. Checketts said the first concern was that by adding 60 new apartments to the area would cause much more traffic to an area that is already congested with traffic. She noted there are many times when school is starting and there are trains at the railroad crossings that traffic is very backed up and very congested at the main intersection in the city. She said they did not want to see more traffic in the area as it could be a safety hazard, especially to the children that are walking to school who have to cross the street at this busy intersection.

She said the second concern was that if this development were allowed to go in, people would want a traffic light at the intersection of 1500 South and 800 West which would be put in at the tax payers expense and that most residents would not be in favor of. She said it would turn into a mini highway 89 and that cars already speed in the area and it would cause even more congestion and traffic backup if a light were to go in at this intersection.

Her third concern was that Woods Cross has a small town feeling and with adding the high density development the city would lose this small town atmosphere. She said the city is already saturated with apartment complexes and did not need to add anymore. She said it would increase the crime rate and it would not fit into this area at all. She said that police calls had gone up by 301 calls between 2014 and 2015 and having more people coming and going in an apartment complex would only increase the crime rate within the city. She noted it is hard for Woods Cross to retain its police officers already because we are a small town and we cannot offer pay and benefits that larger city's offer so officers leave to find better benefits in larger cities.

She said another concern she had was the impact to local schools that are already overcrowded. She said that Woods Cross elementary is already overcrowded and already has 30 students per class right now with portable classrooms in the rear of the school and nowhere else to expand.

Ms. Checketts went on to say that she and her neighbors were not opposed to single family homes, townhomes or even the storage units that had recently been proposed for this area. She said that developers make many promises for these types of apartment complexes and that they will stay nice and be kept up but the reality is that after they are built, the developer sells them and they go downhill very quickly. She noted several projects within the city that she felt this had happened to. She said this was a reflection of what she felt would happen if this type of development would continue to move forward.

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Ms. Checketts also asked who would be paying for everything including the infrastructure and other things associated with this kind of development. She asked if the city would be involved and help with the funding of the project. She said there were problems in the Farm Meadows subdivision with subsidence and she said she felt that city monies would be better spent looking into this matter. She also said that if heavy apartment buildings were to be built in the area, it might cause a sinking issue. She said this particular area was not an area to locate a luxury apartment complex so eventually it will become empty and an opportunity for squatters to move in.

She completed her comments by saying she would like detailed information regarding all that is being proposed with this development so she can continue to review what is happening within the city center of Woods Cross.

She asked the Commission if they had any questions for her and they did not so Ms. Checketts thanked them for their time.

Mr. Bill Francis then appeared before the Commission representing himself and his neighbors. He said he also lives on 800 West and said he has done some work in the area of some of the apartment complexes within Woods Cross and said many of them have gone downhill in recent years after the developers had promised they would be taken care of and kept up. He said there are many apartment complexes in Woods Cross and adding another 60 units would be an over load to our small community. He also said that having a 3 story complex would be very unappealing and would look down into the back yards of some of the single family homes that already exist in the area. Mr. Francis also noted he did not like how close to the sidewalk the proposed apartments would be located because it could be dangerous for passing children to be enticed into one of them if there were some unpleasant renters residing in them.

Mr. Francis said he did realize the developer can do what he wants on his property but that there should be some responsibility taken to ensure these types of developments that do not fit into the city are not constructed. He said that nine times out of ten after these projects are finished the builder sells them and gets his money which is all he is really interested and then they change ownership quickly. He also said that home values will decrease and he feels there is a better use for this property. He said that ownership related projects such as single family homes, are the best because owners generally take better care of their homes.

Mr. Francis encouraged the Commission to look at this project thoughtfully and recognize it does not fit into the community. He thanked the Commission for their time on this matter.

Chairman Beecher then said that the Commission had not seen any information regarding this proposed development yet. He encouraged Ms. Checketts and Mr. Francis and the other neighbors who were present at the meeting to go to the open house that would be held January 20<sup>th</sup>. He said to make observations and voice their concerns at the open house. He also encouraged them to work with the City Council on this matter as well. Chairman Beecher also said the Planning Commission is bound by zoning ordinances regarding all development projects

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but the Commission would take the comments they heard at tonight's meeting into consideration if the project were to be brought in before them.

Ms. Becky Barnett then appeared before the Commission and said she was a property manager for 3 fourplexes in the area. She said she would prefer not to have 64 new neighbors.

Chairman Beecher thanked everyone for coming and for their interest in this matter. He encouraged everyone to continue to voice their opinions and that there are many things that happen during a process such as this and it would be beneficial to continue to voice their questions and concerns.

There were no further comments or questions for the open session and Chairman Beecher closed the open session.

**RADIANT BEAUTY SALON HOME OCCUPATION—2181 SOUTH 800 WEST—**  
**MONICA HERRE**

Mr. Stephens reviewed this agenda item with the Planning Commission. He noted that Ms. Monica Herre had been approved for a home occupation for this use at a different location within the city but was moving down the street to a new home so she needed a new home occupation approval. He said the applicant is proposing to operate a hair and nail salon from her home providing haircuts, hair color, facial waxing and nail care. These services would be provided by appointment and performed in a room located in the back of the home. She would also be selling hair care products.

Ms. Monica Herre appeared before the Commission. The Commission asked if Ms. Herre had ever had any complaints from her neighbors when she had operated her hair business from her other residence. She said she did not have any complaints.

There were no further questions and Commissioner Terry made a motion to approve the home occupation and conditional use for Radiant Beauty Salon and Ms. Monica Herre with the following conditions:

1. At no time may the applicant's business operation negatively impact the neighborhood.
2. Applicant's business operation shall be in compliance at all times with any government agency having jurisdiction over the applicant's business property.

Commissioner Page seconded the motion and the motion carried.

**ADVANCED DRYWALL & REMODELING HOME OCCUPATION—8126 WEST 2280**  
**SOUTH—MOISES DE LA MORA**

Mr. Stephens went over this agenda item with the Commission noting that the applicant is proposing to operate an office at his home for his remodeling business. The primary activity at

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the home will be record keeping and office business. No customers or employees will come to the home to obtain products or utilize any service connected with the proposed home occupation.

Mr. Moises De La Mora appeared before the Commission. He said he would only be using the home for a home office and he has no employees. He said he has done this business for many years and is getting his license and insurance to run his business here. He also noted that he would only be doing office activities at his home. He said he tries very hard to be a respectful neighbor and would not have anyone needing to park at his home and would have no need for storage for his business at his home.

Following the information given by Mr. De La Mora, Commissioner Poole made a motion to approve the home occupation and conditional use for Mr. Moises De La Mora and Advanced Drywall & Remodeling with the following conditions:

1. At no time may the applicant's home occupation negatively impact the residential neighborhood.
2. The applicant's business operation shall be in compliance at all times with any government agency having jurisdiction over the business activity.
3. At no time shall any construction or debris be brought to the home. Any building supplies and materials that may be brought home shall be stored within an enclosed building.

Commissioner Bassarear seconded the motion and the motion carried.

**LOW FABRICATION LLC HOME OCCUPATION—2031 WEST 2185 SOUTH—JOHN SWALBERG**

Mr. Stephens reviewed this item with the Commission. He noted that Mr. Swalberg is proposing to operate a business in which he will build truck accessories and off-road parts to be sold online, at local car shows, and swap meets. He says his business is assembling pre-ordered parts with some cutting, welding, and grinding and the use of hand tools. This operation would take place in the third car garage of his home. He said the parts will be stored on shelves in the back of his garage. Parts ordered would be delivered by UPS.

Chairman Beecher asked Mr. Stephens if there was welding and grinding occurring during this building process and if so, if the Fire Marshall had come and inspected the property. Mr. Stephens said he did believe that the Fire Marshall would need to check the premises as the assembly process could be problematic due to the tools and materials that are being used.

Mr. John Swalberg then appeared before the Commission. He thanked the Commission for their consideration and he showed the Commission the parts and finished product he would be using in the fabrication process. He explained and showed to the Commission the item that he would be selling used for trucks and off road vehicles for rear suspension. He did say that the item would be purchased from him and then it would be installed by someone else.

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Mr. Swalberg did say he already has a full time job and a family so he does this mostly as a hobby during his free time. The Commission asked how many of the finished projects he had assembled and he said 2 last year and 3 the year before. He said he did not plan on building a lot of the rear suspension parts but that if it did turn in to a bigger business he wanted to make sure he was abiding by city laws and codes.

The Commission asked if there would be welding and grinding during the fabrication process and Mr. Swalberg said there would be. He said he had to use a small welder to weld a small piece to each end of his product and might have to possibly grind rough edges of small parts that might not fit exactly right. The Commission asked if the welder was noisy and Mr. Swalberg said there was no noise from the welder. They asked about the noise from the grinder and Mr. Swalberg said there was noise from the grinder but he would only be using it during the day and would be in his garage while he was using the grinder.

Chairman Beecher said this type of business does not typically fit within the ordinance. He said he did have some concerns about permitting it as he did not want to set precedence for the future.

Commissioner Terry said his view was this was more of a hobby than a business because he will not be building many of them.

Mr. Swalberg said there were a couple of reasons he wanted to apply for the home occupation which included getting whole sale pricing on parts and also he wanted to make sure he was abiding by the city ordinances as he was not sure when a hobby would become a business.

The Commission asked Mr. Swalberg if he had checked with his home owner's insurance to see if this kind of business would be covered by insurance. He said he had not checked with the insurance. It was also noted that fabrication process could not impact the neighbors. The Commission also noted that some HOA's would not allow certain activities within their HOA communities.

The Commission said that they might like to table this item for now, and at the present time they would feel more comfortable if Mr. Swalberg would check with his insurance company and the Fire Marshall as well as with his HOA to see if he could assemble his truck parts under particular restrictions and rules as outlined by these different entities.

Commissioner Sharp made a motion to table the Low Fabrication LLC item for future meeting until Mr. Swalberg can provide information regarding rules and regulations according to his insurance company, his HOA and the Fire Marshall regarding the fabrication of the parts he would like to sell. Commissioner Poole seconded the motion and the motion carried.

**ENGELBY IMAGES—1230 SOUTH 500 WEST, #3E—NIKKI ENGELBY**

Mr. Stephens said this applicant is proposing to operate a wedding and newborn portrait photography service within her apartment in the Springwood Apartment complex. She would be

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traveling to wedding locations to capture photographs. Most of the newborn sessions would be done in her home. Digital images will be presented on her website where prints would usually be ordered. One of the bedrooms of the apartment would be used as a home office.

There was no one at the meeting representing this item but the Commission felt that the application that had been submitted was very detailed and answered any questions they might have had for the applicant were she present at the meeting.

Commissioner Bradford made a motion to approve the home occupation and conditional use for Engleby Images and Ms. Nikki Engelby with the following conditions:

1. At no time may the applicant's business operation negatively impact the residential complex.
2. Applicant's business operation shall be in compliance at all times with any government agency having jurisdiction over the applicant's business property.

Commissioner Terry seconded the motion and the motion carried.

**E & F AUTO CONDITIONAL USE –1210 WEST 2600 SOUTH—EMIR CEHO**

Mr. Stephens said that a couple of years ago the Planning Commission approved a conditional use permit for a diesel repair shop in association with truck parking and storage on a grandfathered storage yard. The city has now received a conditional use permit application for an E and F Auto which would operate as auto sales and auto repair.

Mr. Emir Ceho appeared before the Commission and said he would be utilizing the two buildings on the property. The front building would be used for offices and the other building is already a shop and they would be fixing no more than 10 cars within the building. He said the car repair would be mostly taking old cars and restoring them. The Commission asked if there would be parking for the cars and Mr. Ceho said there are 3 parking spaces that he would be utilizing which would be sufficient for what he was doing. He said this business is more of a hobby as he already owns another business that he works at full time.

The Commission had no further questions and Commissioner Sharp made a motion to approve the conditional use permit for E & F Auto and Mr. Emir Ceho with the following conditions:

1. At no time shall the business operation negatively impact adjacent properties.
2. At no time shall any equipment, materials, or inoperable vehicles be kept outside the enclosed building.
3. Applicant's business operation shall be in compliance at all times with any government agency having jurisdiction over the business operation or subject property.
4. Applicant shall obtain and maintain a state dealer's license.

Commissioner Bassarear seconded the motion and the motion carried.



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**PUBLIC HEARING: OVERLAND DEVELOPMENT REZONE FROM C-2  
COMMERCIAL TO I-1 LIGHT INDUSTRIAL FOR PROPERTY LOCATED AT  
1842 WEST 2425 SOUTH—KEN HOLMAN**

Mr. Stephens noted that several years ago the city and RDA owned all the property along the north side of 2425 South Street west of Redwood Road to the salvage yard. The city's purpose in purchasing this property was to relocate the South Bountiful Auto wrecking yard. After the relocation was accomplished, the city began to sell off the remaining properties between the salvage yard and Redwood Road. Keith Duerden approached the city to purchase the corner parcel on Redwood Road and 2425 South Street. As a condition of that sale, Mr. Duerden requested that the city rezone the corner from I-1 Light Industrial to C-2 General Commercial. Mr. Duerden believed there was the possibility that a commercial use could be developed on the corner.

Recently, the city received a rezone application from Overland Development signed by Keith Duerden requesting that the property be rezoned from C-2 General Commercial back to I-1 Light Industrial. The purpose for the requested rezone would be the development of a self-service storage facility which is presently a conditional use in the I-1 Zone but is not permitted in the C-2 General Commercial Zone.

After the review by Mr. Stephens, Chairman Beecher opened the public hearing.

Mr. Ken Holman appeared before the Commission. He said he appreciated the good work the Planning Commission does in the community. He noted he has been in commercial and residential development for about 30 years and did a self storage project in South Jordan which was upper scale and turned out quite nice. He said he would like to do the same on this property and that part of the facility would be retail for selling boxes and similar items for moving and storage and then have a nice fenced area for the storage units. He also said he would have preferred to see a commercial application on this property but thinks this self storage facility would be a good fit since no commercial business has been interested in building here.

The Commission asked if rezone would preclude them from selling items at the facility. Mr. Stephens that it would not preclude them from selling items that retail was allowed in the zone.

There were no other comments and Chairman Beecher closed the public hearing.

Chairman Beecher then asked the Commission if there was any opposition to the rezone. No one was opposed to the rezone and said they would like to see something go in on this piece of property.

Commissioner Bassarear made a motion to forward the Planning Commission's recommendation for approval to the City Council for the rezone of the property located at 1842 West 2425 South Street from C-2 Commercial to I-1 Light Industrial. Commissioner Bradford seconded the motion and the motion carried.

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**GENERAL AND PENDING**

Chairman Beecher encouraged the Commission to attend the open house regarding the apartment complex project so they can be informed of what is going on with the project. He also encouraged the Commission to give information but not opinions regarding the project. It was also noted there should be comment forms available for all citizens to fill out and that the open house be highly advertised so everyone can be informed of when it will be held. Also it was recommended a record be kept of who attends and have a forum for post open house comments.

Mr. Stephens said the K-Mart redevelopment project continues to move ahead and they overcame another hurdle dealing with parking issues this past week.

Mr. Stephens also said that Maverik is waiting for upper management to finalize their plans for long term development on the Maverik property before they come back and report to the Commission on the items that are causing issues on their property.

**ADJOURNMENT**

There being no further business before the Commission, Commissioner Bradford made a motion to adjourn the meeting at 8:10 P.M.

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Leo Beecher, Chairman

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Bonnie S. Craig, Secretary